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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,860	03/28/2001	Mikio Tanaka	14457	3671
23389	7590	02/27/2004	EXAMINER	
SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA GARDEN CITY, NY 11530			DOOLEY, MATTHEW C	
			ART UNIT	PAPER NUMBER
			2133	
DATE MAILED: 02/27/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/819,860	TANAKA ET AL.
	Examiner	Art Unit
	Matthew C. Dooley	2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 March 2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-26 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 28 March 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3.4</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because of length. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Sugimoto, U.S. 6,493,654.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As per claim 1:

Sugimoto discloses a testing means for testing a memory that includes a readout means for reading defect bits that is output to a storage region of a computer (Fig. 19; Col.24: 35-51). Also taught by Sugimoto is a address difference means, an address difference histogram production means, an expected value function means and a regular patterned defect mix rate calculation means used with a defect distribution (Fig.19,20; Col.2: 22-25; Col.3: 33 – Col.4: 4).

As per claim 2:

Sugimoto teaches to the calculation of the expectation function (Col.11: 38-55).

As per claim 3:

Sugimoto teaches to the calculation of a regular patterned defect mix rate (Col.10: 1-15; Col.14: 1-64).

As per claim 4:

Sugimoto discloses a testing means for testing a memory that includes a readout means for reading defect bits that is output to a storage region of a computer (Fig. 19; Col.24: 35-51). Also taught by Sugimoto is a address difference means, an address difference histogram production means, an expected value function means and a regular patterned defect mix rate calculation means for factors from the expected value function (Fig. 19, 20; Col.2: 22-25; Col.3: 33 – Col.4: 4).

As per claim 5:

The system of Sugimoto includes a calculation of a regular patterned defect mix rate function corresponding to a baseline compensated by a compensation means (Col.21:

10-43).

As per claim 6:

Sugimoto teaches to the calculation of the expectation function (Col.11: 38-55).

As per claim 7:

The regular patterned defect mix rate calculation means of Sugimoto includes means for selecting a factor and finding an expected value for said value, means for determining if the expected value is greater than a threshold, means for altering the mix rate function based on the value of the expected value function, and means for having mix rate functions for all selected factors (Fig.6,7).

As per claim 8:

Sugimoto teaches to a regular patterned defect mix rate calculation means comprising a defect number calculation means, an expected value selection means, an expected value threshold comparison means, a defect mix rate value function calculation means, a mixed rate valuation means, and a defect mix rate selection means (Fig.6,7).

As per claim 9:

Sugimoto teaches to a defect ratio calculation means (Col.4: 45- Col.5: 19).

As per claims 10-18:

Claims 10-18 are the method claims corresponding to means claims 1-9 and as such can be rejected using analogous reasoning to that utilized in the rejection of claims 1-9 above.

As per claims 19-26:

Claims 19-26 are the computer product claims corresponding to means claims 4-9 and method claims 13-18, and as such can be rejected using analogous reasoning to that utilized in the rejection of claims 4-9 and 13-18 above.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a.	Kulkarni et al.	U.S. 5,991,699
b.	Miyazaki et al.	U.S. 6,016,562
c.	Suzuki et al.	U.S. 6,034,905
d.	Vollrath et al.	U.S. 6,564,346
e.	Oh et al.	U.S. 6,625,766

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew C. Dooley whose telephone number is (703) 306-5538. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decay can be reached on (703) 305-9595. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2133

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Matthew Dooley
Examiner AU 2133
2/20/04


for

Albert DeCady
Primary Examiner